

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-24676 of 2018
Date of Decision : 01.06.2018

Rajan Grover

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Manish Soni, Advocate for the petitioner.

Anupinder Singh Grewal, J.(Oral)

The petitioner is seeking protection from his arrest as he has been convicted under Section 138 of the Negotiable Instruments Act by the trial Court and sentenced to undergo rigorous imprisonment for a period of 02 years. The appeal had been preferred by the petitioner, wherein by the order dated 03.04.2017, his sentence was suspended. The petitioner could not appear before the Court on 30.03.2018 due to which his bail bonds were cancelled and fresh warrants to arrest him were issued.

Learned counsel for the petitioner contends that the petitioner had been appearing before the appellate Court on each and every date and he had preferred an application for his exemption from personal appearance on 30.03.2018 as he was unwell. However, no order was passed on that application and it was merely returned as it was not supported by medical certificate in support of his averment that he was unwell. Learned counsel further contends that the petitioner undertakes to appear before the appellate

Court on each and every date of hearing and shall not absent himself without prior permission from the Court.

Heard.

In view of the limited prayer of the petitioner, notice is issued to respondent No. 1 at this stage.

At the asking of the Court, Mr. Surinder Pal Singh, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No. 1.

The petitioner had earlier been appearing before the trial Court on each and every date except on 30.03.2018, whereon his bail was cancelled and bail bonds were forfeited to the State. He was represented by his counsel on that date and is stated to have preferred an application for his exemption. The absence of the petitioner from the appellate Court appears to be bona fide as he was stated to be unwell. Therefore, it would be appropriate to grant the petitioner protection from arrest in the event of his surrendering before the appellate Court.

Consequently, the petition is allowed. The petitioner shall surrender before the appellate Court within a week from today and on his doing so, he shall be released on bail after submitting bail/surety bonds to its satisfaction. The petitioner, henceforth, shall appear before the appellate Court on each and every date of hearing and shall not absent himself except with prior permission from the Court.

(ANUPINDER SINGH GREWAL)
JUDGE

June 01, 2018
kanchan

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*